



PROPOSED RULE MAKING

CR-102 (June 2004)

(Implements RCW 34.05.320)

Do **NOT** use for expedited rule making

Agency: Department of Labor and Industries

- ☒ **Preproposal Statement of Inquiry** was filed as WSR 06-03-105; or
☐ **Expedited Rule Making--Proposed notice** was filed as WSR _____; or
☐ **Proposal is exempt under RCW 34.05.310(4).**

- ☒ **Original Notice**
☐ **Supplemental Notice to WSR** _____
☐ **Continuance of WSR** _____

Title of rule and other identifying information: WAC 296-126-023, Payment Interval; WAC 296-128-035, Payment Interval; WAC 296-131-010, Payment Interval

Hearing location(s):

Department of Labor and Industries
 7273 Linderson Way Southwest, Room S118
 Tumwater, Washington

Date: October 2, 2006 Time: 1:30 pm

Submit written comments to:

Name: Sally Elliott
 Address: Post Office Box 44400
 Olympia, Washington 98504-4400
 e-mail yous235@lni.wa.gov
 fax (360) 902-5292 by October 2, 2006

Assistance for persons with disabilities: Contact

Sally Elliott by September 15, 2006

at yous235@lni.wa.gov or (360) 902-6411

Date of intended adoption: October 31, 2006

(Note: This is **NOT** the **effective** date)

Purpose of the proposal and its anticipated effects, including any changes in existing rules:

The purpose of this rulemaking is to incorporate the payment interval administrative policy regarding into the rules. By integrating the policy into rule and expanding the rule to clarify different payment intervals approaches, the payment interval rule will be easier to use, understand, and provide greater certainty and consistency without having to rely on additional documents. The amendments will:

1. Retain the requirement that employers must pay all wages at no longer than monthly intervals on regular pay days.
2. Continue to require an employer to implement a regular payroll system in which wages from up to seven days before pay day may be withheld if paying at a monthly interval
3. Continue to require that paychecks must be mailed on the established payday and funds provided by direct deposit or electronic means must be available on the established payday.
4. Employers are required to pay wages no later than 10 days after the end of the pay period, except for monthly payroll systems.
5. Allow employers to establish separate pay periods for regular and overtime wages plus commission and other specialty pay as long as workers are paid no later than the pay day for the following pay period.

Reasons supporting proposal: See purpose statement.

Statutory authority for adoption: Chapter 49.12 RCW, Chapter 49.30 RCW, and Chapter 49.46 RCW

Statute being implemented: Chapter 49.12 RCW, Chapter 49.30 RCW, and Chapter 49.46 RCW

Is rule necessary because of a:

- Federal Law? ☐ Yes ☒ No
 Federal Court Decision? ☐ Yes ☒ No
 State Court Decision? ☐ Yes ☒ No
 If yes, CITATION:

CODE REVISER USE ONLY

WSR# 06-17-136

DATE

August 22, 2006

NAME (type or print)

Gary K. Weeks

SIGNATURE

TITLE

Director

(COMPLETE REVERSE SIDE)

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:

NA

Name of proponent: (person or organization) Department of Labor and Industries

☐ Private
☐ Public
☒ Governmental

Name of agency personnel responsible for:

Name	Office Location	Phone
Drafting..... Rich Ervin	Tumwater, Washington	(360) 902-5310
Implementation....Patrick Woods	Tumwater, Washington	(360) 902-6348
Enforcement..... Patrick Woods	Tumwater, Washington	(360) 902-6348

Has a small business economic impact statement been prepared under chapter 19.85 RCW?

☐ Yes. Attach copy of small business economic impact statement.

A copy of the statement may be obtained by contacting:

Name:

Address:

phone () _____

fax () _____

e-mail _____

☒ No. Explain why no statement was prepared.

This rule is specifically exempt from the SBEIS requirement because its intent is to clarify rule language without changing its effect [see RCW 19.85.025(2) referencing RCW 34.05.310(4)(d)].

Is a cost-benefit analysis required under RCW 34.05.328?

☐ Yes A preliminary cost-benefit analysis may be obtained by contacting:

Name:

Address:

phone () _____

fax () _____

e-mail _____

☒ No: Please explain:

This rule is specifically exempt from the CBA requirement because its intent is to clarify rule language without changing its effect [see RCW 34.05.310(4)(d)].